

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

THOMAS FULLER,

Plaintiff,

v.

Case Number 06-13940-BC  
Honorable Thomas L. Ludington

CHRISTOPHER ROGNER, *et. al.*,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT**  
**AND DISMISSING CASE**

This matter is before for the Court on a report issued by Magistrate Judge Charles E. Binder on December 20, 2006 recommending that the plaintiff's case be dismissed *sua sponte* because it is a duplicate case of 06-14352. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation is **ADOPTED** and the case is **DISMISSED**.

s/Thomas L. Ludington  
\_\_\_\_\_  
THOMAS L. LUDINGTON  
United States District Judge

Dated: January 17, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 17, 2007.

s/Tracy A. Jacobs

TRACY A. JACOBS